

REMARKS

Claims 1, 3, 5-10, 12 and 13 are pending in the present application. Claims 1-7 and 10-14 are rejected. Claims 2, 11 and 14 are herein canceled. Claim 1 is herein amended. No new matter has been presented.

This amendment is supplemental to the amendment filed on June 26, 2009, and presumes that the previous amendment was entered. Amendments of the claims are relative to the amendment filed on June 26, 2009.

Claim 1 is herein amended to incorporate the features of claim 11 and to further define the fluorine-containing aliphatic diisocyanates (A11), the polyether polyol (B1-1) and the phenolic radical scavenger (PRS) specifically.

The polyester polyol (B1-2) has been amended to include the polyether polyol (B1-1) as an essential constitutional unit.

Support for the above amendments can be found in paragraphs [0049] to [0052], and [0124] to [0126] of U.S. publication of the present application.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-7 and 10-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 03/051952 in view of Hiraishi et al. ('266) or Nakamura et al. (U.S. 2003/0225239) or Sparer et al. (U.S. 2004/0033251) or Felt et al. (U.S. 2005/0060022).

Applicants previously rebutted the rejection by showing unexpectedly superior results associated with the claimed invention.

The Examiner considered Applicants' examples within the specification and the examples within Applicants' 37 C.F.R. §1.132 declaration filed December 26, 2007 as insufficient to rebut the *prima facie* case of obviousness.

Applicants herein narrow the claims, and subsequently add further experimental data to ensure commensuration between the claims and the description.

Concerning the fluorine-containing aliphatic diisocyanate (A11)

Applicants note that the number of carbon atom in Rf is "4" in Examples 1, 3 and 4 and "6" in Examples 2 and 5 of the description, and "3" in Example 16 and "10" in Example 17 of the experimental data to be submitted. That is, the number of carbon atom in Rf ranges from 3 to 10. It is submitted that unpredictable effects are obtained in that range.

Accordingly, we believe that the medical adhesive of the amended claim 1 brings unpredictable effects objectively.

Incidentally, the reason why the number of carbon atom of (A11) has been amended from "5 to 22" to "5 to 12" is that the number of carbon atom in the fluorine-containing aliphatic diisocyanate (A11) should correspond to the number "3 to 10" of carbon atom in Rf.

Concerning the hydrophilic polyol (B)

With respect to the hydrophilic polyol (B), the following data are described in Examples of the description as originally filed.

Example	Polyol component (B)
1	the random co-adduct of ethylene oxide/propylene oxide (b1) obtained in Production Example 1
2	the random co-adduct of ethylene oxide/propylene oxide (b1) obtained in Production Example 2
3	a mixture of the random co-adduct of ethylene oxide/propylene oxide (b1) obtained in Production Example 1 and the adduct of propylene oxide (b3) obtained in Production Example 3
4	a mixture of the random co-adduct of ethylene oxide/propylene oxide (b1) obtained in Production Example 1 and the adduct of propylene oxide (b4) obtained in Production Example 4
5	a mixture of the random co-adduct of ethylene oxide/propylene oxide (b1) obtained in Production Example 1 and the adduct of propylene oxide (b3) obtained in Production Example 5

The above-noted data indicate that both “an adduct of a co-adduct of ethylene oxide and alkylene oxide having 3 to 8 carbon atoms to a compound having at least two active hydrogens” and “an adduct of ethylene oxide to a compound having at least two active hydrogens” bring unpredictable effects.

Applicants note that because the polyester polyol (B1-2) has been amended to include the polyether polyol (B1-1) as an essential constitutional unit, a relationship between the polyether polyol (B1-1) and the polyester polyol (B1-2) is clarified.

Unpredictable effects of the polyester polyol (B1-2) are indicated by Examples 10 to 12 in Declaration submitted on June 26, 2009.

Concerning a phenolic radical scavenger (PRS)

The phenolic radical scavenger (PRS) is amended to concrete compounds with the present amendment.

Data of the concrete compounds are indicated in Examples 1 to 5 of the description as originally filed, Examples 6 to 9 of Declaration submitted on February 26, 2009, Examples 13 and 14 of Declaration submitted on June 26, 2009, and Examples 18 to 27 of the Declaration presently submitted. These data clearly show superior results that would have been unpredictable.

As discussed above in detail, the subject matter that Applicants claims as the invention is disclosed sufficiently. Applicants conclude that the evidence of unexpected results is now commensurate in scope with the claims. Therefore, unexpectedly superior results of the preset invention should rebut the rejection of the claims for obviousness.

Accordingly, it would not have been obvious to one skilled in the art at the time of the invention to have arrived at the subject matter of the claims.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.


If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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Supplemental Amendment under 37 C.F.R. §1.111
Supplemental Amendment filed September 14, 2009

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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Enclosure: Declaration under 37 C.F.R. §1.132 dated August 20, 2009